

CUSTOMER NO.: 24498
Serial No.: 10/030,797
Office Action dated: January 12, 2007
Response dated: July 9 2007

PATENT
RCA89615

REMARKS

The Office Action mailed January 12, 2007 has been reviewed and carefully considered. No new matter has been added.

Claims 1, 6, 10, and 17 have been amended. Claims 5 and 7 have been cancelled, without prejudice. Claims 1-4, 6, and 8-21 are pending.

Claims 1, 4-9, and 12-13 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,763,522 to Kondo et al. (hereinafter "Kondo"). Claims 2 and 14-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo as applied to Claims 1, 4-9, and 12-13, and further in view of WO 99/03268 to Ozkan et al. (hereinafter "Ozkan"). Claims 3, 10, and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo as applied to Claims 1, 4-9, and 12-13, and further in view of U.S. Patent No. 5,844,595 to Blatter et al. (hereinafter "Blatter"). Claim 19 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo and U.S. Patent No. 5,617,565 to Augenbraun et al. (hereinafter "Augenbraun"). Claim 20 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo and Augenbraun as applied to Claim 19, and further in view of Blatter. Claim 21 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo and Augenbraun as applied to Claim 19, and further in view of U.S. Patent No. 6,445,923 to Fujimori et al. (hereinafter "Fujimori").

As noted above, Claim 1 has been amended. It is to be noted that Claim 1 now includes at least part of the previous limitations of now cancelled Claims 5 and 7. Support for the remaining amendment to Claim 1 may be found at least at page 5, lines 13-16 of the Applicant's specification.

It is respectfully asserted that none of the cited references teach or suggest the following limitations of independent Claim 1:

ensuring compatibility of said first table version number conveyed in said first and second tables in response to said detected mismatch using a forced compatible version number; and

decoding packetized program information using program specific information including said first and second tables, at least one of said first and second tables including said forced compatible version number, to provide a video program for display,

wherein said step of ensuring compatibility of said first table version

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number conveyed in said first and second tables includes at least one of the steps of,

substituting a version number for said first table version number conveyed in at least one of (a) said first table, and (b) said second table, to ensure compatibility; and

reverting to a previous version of at least one of (a) said first table, and (b) said second table, to ensure version number compatibility.

Moreover, it is respectfully asserted that none of the cited references teach or suggest the following limitations of independent Claim 9:

detecting a mismatch between a version number of a first table of said program specific information and a corresponding version number of said first table conveyed in a second table;

decoding packetized program information by,

disregarding said first table version number conveyed in said first and second tables in response to said detected mismatch and by

applying program specific information including information in said first table.

Further, it is respectfully asserted that none of the cited references teach or suggest the following limitations of independent Claim 13:

detecting a mismatch between a version number of a first table of said program specific information and a corresponding version number of said first table conveyed in a second table;

re-acquiring a first table of said program specific information in response to said detected mismatch;

examining said re-acquired first table and said second table for a mismatch of said first table version number; and

inhibiting decoding packetized program information in response to said detected mismatch between said re-acquired first table and said second table.

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In contrast to the limitations of Claims 1 and 9, Kondo discloses that in the event of a version number mismatch between two tables, one of the two tables is replaced with the currently broadcasting version of the same. For example, as disclosed at column 11, lines 3-8 of Kondo, "[i]f the two version numbers are different, or no corresponding version of the current VCT exists in memory, the current VCT is read 112 from the digital tuning subsystem at step 112".

That is, while claim 1 ensures version number compatibility in response to a detected mismatch using a forced compatible version number by at least one of substituting a version number for said first table version number conveyed in at least one of (a) said first table, and (b) said second table, and reverting to a previous version of at least one of (a) said first table, and (b) said second table, Kondo discloses obtaining a currently broadcast version of a table having a mismatched version number. Accordingly, Kondo essentially teaches away from both of the immediately preceding reproduced steps recited in Claim 1, literally teaching the opposite approach with respect to the second recited step, namely obtaining a currently broadcasting version of the table as disclosed in Kondo versus reverting to a previous version of at least one of the tables as essentially recited in Claim 1. Moreover, regarding the first immediately preceding reproduced step of Claim 1, said step involves and explicitly recites substituting a version number for one of the tables and not substituting the actual table itself for a currently broadcasting version of the same as disclosed in Kondo. Accordingly, Kondo does not teach or even remotely suggest the above-recited limitations of Claim 1.

Further, while Claim 9 decodes packetized program information by disregarding a first table version number conveyed in the first and second tables in response to a detected mismatch and by applying program specific information including information in the first table, thus essentially using the program specific information from the first table irrespective of the detected mismatch, Kondo discloses obtaining a currently broadcast version of a (already received) table having a mismatched version number, in order to apply the data corresponding to the currently broadcast version of the table and not the data corresponding to the already received table having the mismatched version.

In contrast to the limitations of Claim 13, Kondo discloses that in the event of a version number mismatch between two tables, one of the two tables is replaced with the currently

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broadcasting version of the same, WITHOUT FURTHER RECHECKING of version number. For example, as disclosed at column 11, lines 3-8 of Kondo, "[i]f the two version numbers are different, or no corresponding version of the current VCT exists in memory, the current VCT is read 112 from the digital tuning subsystem at step 112". While the Examiner has cited column 10, lines 1-12 and column 4, lines 6-17 of Kondo as disclosing said step of "detecting a mismatch between a version number of a first table of said program specific information and a corresponding version number of said first table conveyed in a second table" recited in Claim 13, and has cited column 11, lines 19-23 as disclosing said step of 'examining said re-acquired first table and said second table for a mismatch of said first table version number" recited in Claim 1, the cited portions of Kondo do not disclose that a previously mismatched version number of two tables is rechecked once one of the two tables is re-acquired as essentially recited in Claim 13. For example, as clearly shown in Figure 5 of Kondo, each given table is respectively checked against the MGT and if a mismatched version number is detected there between, then the respective table checked against the MGT is simply re-acquired WITHOUT MORE (i.e., without further checking of the version numbers between the two tables).

Thus, Kondo does not teach or suggest all of the limitations recited in Claims 1, 9, and 13 for at least the reasons set forth above. Moreover, while only Kondo was cited against the preceding claims, it is nonetheless respectively asserted that none of the remaining references cure the deficiencies of Kondo, and are silent with respect to the above recited limitations of Claims 1, 9, and 13.

A reference cited against a claim under 35 U.S.C. §102 must disclose each and every limitation of the rejected claim.

Accordingly, independent Claims 1, 9, and 13 are patentably distinct and non-obvious over Kondo (as well as the remaining references) for at least the reasons set forth above.

Moreover, it is respectfully asserted that none of the cited references teach or suggest the following limitations recited in Claim 17:

detecting a mismatch between a version number of a first program specific information table comprising a channel map associating a transmission channel carrier frequency with data identifiers used to capture datastreams constituting a program conveyed on a broadcast channel and a corresponding version number of said first program specific information table

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conveyed in a second program specific information table;
indicating in a database said transmission channel is associated with
said detected mismatch between said first table and said second table; and
inhibiting decoding packetized program information for said
transmission channel associated with said detected mismatch in response to
said detected mismatch between said re-acquired first table and said second
table.

Further, it is respectfully asserted that none of the cited references teach or suggest the
following limitations recited in Claim 19:

detecting a fault condition in program specific information comprising
at least one of, (a) a version number incompatibility between a version number
of a first table and a corresponding version number of said first table conveyed
in a second table, and (b) a PSI error condition;

indicating in a database said transmission channel is associated with
said detected fault condition; and

removing a channel associated with said fault condition from a User's
viewable active channel line-up list.

It is to be noted that the Examiner cited column 9, lines 25-31 of Kondo as disclosing
said step of "indicating in a database said transmission channel is associated with said detected
mismatch between said first table and said second table" recited in Claim 17 and said step of
"indicating in a database said transmission channel is associated with said detected fault
condition" recited in Claim 19.

In contrast to the limitations of Claims 17 and 19, particularly said indicating steps,
Kondo simply discloses the following at column 9, lines 25-31 thereof:

Whenever the decoder in the present system monitoring the MGT detects a
change in the version number of a table, it assumes that the table has changed
and reloads the contents of the affected table into memory. If the version number

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has not changed, the information for that table presently in memory is flagged as valid and is displayed in the EPG.

Thus, Kondo simply recites that the CONTENTS OF THE TABLE having the mismatched version number is reloaded, without any mention of a transmission channel. That is, the preceding cited portion of Kondo does not suggest or even remotely mention a transmission channel, let alone indicating in a database said transmission channel is associated with said detected mismatch between said first table and said second table as recited in Claim 17, or let alone indicating in a database said transmission channel is associated with said detected fault condition as recited in Claim 19.

Accordingly, Kondo does not teach or suggest all of the limitations of Claims 17 and 19. Moreover, it is respectfully asserted that none of the other cited references (including, for example, Ozkan with respect to Claim 17 and Augenbraun with respect to Claim 19) cure the deficiencies of Kondo, and are silent with respect to the above-recited limitations of Claims 17 and 19.

"To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art" (MPEP §2143.03, citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)).

Thus, Claims 17 and 19 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above.

"If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious" (MPEP §2143.03, citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)).

Claims 2-6 depend from Claim 1 or a claim which itself is dependent from Claim 1 and, thus, includes all the elements of Claim 1. Accordingly, Claims 2-6 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above with respect to Claim 1.

Thus, reconsideration of the rejection is respectfully requested.

In view of the foregoing, Applicants respectfully request that the rejection of the claims set forth in the Office Action of January 12, 2007 be withdrawn, that the pending claims be allowed, and that the case proceed to early issuance of Letters Patent in due course.

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Applicants request a three month extension to file this response under 37 C.F.R.
1.136(a). Please charge the fee for this response, and any other fees owed in connection with
this paper to Deposit Account No. 07-0832.

Respectfully submitted,

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